

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOREL ARGUILEZ,

Plaintiff,

v.

D. CUEVAS, et al.,

Defendants.

No. 2:24-cv-1730 DJC CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On September 3, 2024, the court screened plaintiff's complaint as the court is required to do under 28 U.S.C. § 1915A(a). The court found that plaintiff may proceed on the following claims:

1. A claim for excessive use of force arising under the Eighth Amendment against defendants Parker and Williams. ECF No. 1 at 7.

2. A claim for denial of adequate medical also arising under the Eighth Amendment against defendants Parker and Williams. Id.

The court gave plaintiff two options: proceed on the claims identified above or file an amended complaint in an attempt to cure deficiencies with respect to the other claims. Plaintiff was informed that if chooses to proceed on the claims described above, the court will construe this as a request to voluntarily dismiss the additional claims and defendants pursuant to Rule

41(a)(1)(i) of the Federal Rules of Civil Procedure. Plaintiff has indicated that he wishes to proceed on the claims identified above.

In accordance with the above, IT IS HEREBY ORDERED that:

1. This action proceeds on the following claims:

A. A claim for excessive use of force arising under the Eighth Amendment against defendants Parker and Williams. ECF No. 1 at 7.

B. A claim for denial of adequate medical also arising under the Eighth Amendment against defendants Parker and Williams. Id.

2. All other claims and defendants are voluntarily dismissed pursuant to Rule 41(a)(1)(i).

3. The findings and recommendations filed October 8, 2024 are vacated.

Dated: 11/08/24



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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